IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7311 of 2002

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HARIPRASAD FAUDISAH GUPTA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7311 of 2002

MR MURALI N DEVNANI for Petitioner No. 1

MR MR MENGDEY A.G.P. for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 10/09/2004

ORAL JUDGEMENT

1.0. Rule. Mr. Mengdey learned A.G.P. waives service of rule on behalf of the respondents.

1.1. The petitioner has, by way of this petition, prayed that respondents be directed to deliver the

original papers of the Truck bearing no. GJ-11-U-8544 to the petitioner.

2.0. From the record of the petition and especially after the amendment of the petition, it is clear that the respondent no. 2 in its reply has stated that the papers of the aforesaid vehicle will be retained by respondent no. 2 and the same will not be given to the petitioner. Thus, it is an admitted fact that the petitioner is the owner of vehicle no. GJ-11-U8544. Prima facie it appears that the respondent has withheld the papers of the vehicle in question without any valid reason. Therefore, I find substance in the contention raised in the petition.

3.0 Under the circumstances, the petition is partly allowed. The respondent authorities shall, after necessary verification of the documents and after ascertaining the identity of the petitioner with regard to the ownership of the vehicle in question, and if it is satisfied that the petitioner is the owner of the vehicle in question, handover the documents of the petitioner, within a week from the date of receipt of the order of this court. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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